IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

AS.No. 28 of 1996()

OS.16/1985 of ADDL.SUB COURT, ALAPPUZHA

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APPELLANT - PLAINTIFF:-

THE DHANALAKSHMI BANK LTD.,
KANIAKARI BRANCH, ALAPPUZHA DISTRICT,
REPRESENTED BY ITS PRESENT MANAGER AND
PRINCIPAL OFICER A. MOHAMMED IBRAHIM,
S/O. ALAUDIN.

BY ADV. SRI.T.V.ANANTHAN
SRI.C.D.JOSE

RESPONDENTS - DEFENDANT:

MATHAI CHACKO ALIAS MATHEW CHACKO,
MAPPILASSERY, MEENADOM, CHAMPAKULAM P.O. 688 505

BY ADV. SRI.K.GOPALAKRISHNA KURUP

THIS APPEAL SUIT HAVING BEEN FINALLY HEARD ON ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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A.S. NO. 28 OF 1996

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Dated this the 6th day of June, 2007

J U D G M E N T

Heard. Admitted. Advocate Shri K.Gopalakrishna Kurup took notice for the respondent. The appeal itself is heard and disposed of as agreed to by both sides.

2. Plaintiff-Bank in a suit for money is the appellant. Plaintiff filed the suit for recovery of a sum of Rs.60,000/- with interest. Trial court passed a preliminary decree allowing the appellant to recover from the defendant by sale of the plaint schedule property a sum of Rs.86,405.55 with interest at the rate of 12.5% per annum. Future interest was awarded only at the rate of 6% per annum. Challenging the principal and the manner in which interest was awarded after decree, this appeal is filed.

3. In view of the principles laid down in Central Bank of India vs. Raveendran and Ors. (AIR 2001 SC 3095) the issue raised in this appeal is no more res integra. The decree passed is perfectly correct and I find no ground to interfere

with the same. The appeal is only to be dismissed.

In the result, the appeal is dismissed.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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A.S. NO. 28 OF 1996

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J U D G M E N T

6TH JUNE, 2007